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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Geoffrey T. Barker

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EXAMINER

AVELLINO, JOSEPH E

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/825,506	<b>Applicant(s)</b> BARKER ET AL.	
	<b>Examiner</b> Joseph E. Avellino	<b>Art Unit</b> 2446	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,7-36,38-50 and 52-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7-36,38-50 and 52-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. Claims 1, 4, 5, 7-36, 38-50, 52-58 are pending; claims 1, 34, and 48 independent.

2. In view of the Appeal Brief filed on December 9, 2008, PROSECUTION IS HEREBY REOPENED. A new rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2446

***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 4, 5, 7-9, and 32-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Lane et al. (USPN 6,002,994) (cited in previous action as pertinent prior art) (hereinafter Lane).

4. Referring to claim 1, Lane discloses a method for processing device data in an integrated information system using a central server in communication with two or more geographically distinct sites (the Office construes “geographically distinct” as different areas, such as the different rooms 54 of Figure 2), the method comprising:

obtaining device data (i.e. from sensor 20 and transmitter 30) from the two or more geographically distinct sites (i.e. multiple rooms) wherein the monitoring device data corresponds to two monitoring devices with one monitoring device at each site wherein the monitoring data is obtained continuously (i.e. obtain data from sensor/transmitter pair at repeating hub 70 which sends periodic signals from the repeating hub to an external CPU, where the signal is monitored and appropriate action may be taken to ensure the safety and well-being of the user within the selected environment) (col. 3, lines 54-58);

characterizing the device data as asset data, resource data or event data, wherein asset data includes data from an identifiable object that is not capable of

independent action (i.e. motion detectors) (col. 7, lines 36-61), resource data (i.e. data from door alarms) includes data from an object (i.e. the door) capable of independent action (i.e. door can open and close independently of the monitoring system), and event data includes data from a device having an defined state (i.e. door can be either open or closed) (col. 10, lines 15-20)

obtaining one or more monitoring rules corresponding to at least the monitoring device which establish thresholds of monitoring device data that defines a rule violation (i.e. if motion is detected by lower detector 122 and not upper motion detector 124, then it is likely that a fall has occurred and an alarm is actuated by the external CPU 60) (col. 8, lines 3-29);

obtaining asset, resource, and device rules when the device data is characterized as asset, resource, and event data respectfully (i.e. this is inherent, the system would not utilize rules for bathtub monitoring on motion detection data) (col. 7, lines 36-610;

processing the monitoring device data at the central server according to the monitoring rules to determine whether a rule violation occurred wherein a rule violation identifies a combination of thresholds for each of the two monitoring devices (i.e. if motion is detected by lower detector 122 and not upper motion detector 124, then it is likely that a fall has occurred and an alarm is actuated by the external CPU 60) (col. 8, lines 3-29);

wherein processing the monitoring device data according to the rules includes determining whether the monitoring device data exceeds thresholds of security

information (the phrase indicative of whether an unauthorized access to a premises has occurred is a statement of intended use of the system and therefore holds no patentable weight) (i.e. system is able to determine how many people are in the monitored unit, and if no more than one person is permitted, the system can raise an alarm) (col. 8, lines 15-30; col. 10, lines 10-40); and

generating an output corresponding to the processing of the monitoring device data indicating a rule violation occurred (i.e. alarm indicates that a fall may have occurred, or that there is more than one person in the room) (col. 8, lines 3-29; col. 10, lines 10-40);

5. Referring to claims 4 and 5, Lace discloses the monitoring device data can be characterized as asset data and device data, or resource data and device data (i.e. its inherent that any data is "device data", since it comes from a device, and if its either asset data or resource data based on the type of device which sends the data) (e.g. abstract).

6. Referring to claim 7, Lace discloses the device rules establish a state threshold for a rule violation and determine whether the monitoring device data indicates a particular state (i.e. door indicates open) (col. 10, lines 10-40).

7. Claim 8 is rejected for similar reasons as stated above.

8. Referring to claim 9, it is inherent that the device data includes data identifying a monitoring device generating the data, otherwise the remote CPU wouldn't know which sensor is generating the data.

9. Claims 32-36 are rejected for similar reasons as stated above.

***Claim Rejections - 35 USC § 103***

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 10-31, 38-50, and 52-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lane in view of Horon (USPN 6,229,429).

11. Referring to claims 10-14, Lane discloses the invention as described in the claims above. Lane does not disclose anything about set of known assets/resources and that these assets/resources are maintained in a database. IN analogous art, Horon discloses comparing the asset and resource data to a database of known assets and resources (i.e. database) (Horon: col. 3, lines 1-26). It would have been obvious to one of ordinary skill in the art to combine the database of Horon with the monitoring system of Lane in order for the system to maintain a database of various sensors around the monitored environment, thereby facilitating the addition/subtraction of various sensors in the network.

12. Referring to claims 15-17, Lane-Horon discloses the invention as described above. Lane and Horon both disclose notification, however do not disclose notification based on a time of day, and a user's preferred notification methods, however these particular features are well known in the art of network monitoring. By this rationale, "Official Notice" is taken that both the concepts and advantages of providing for preferred notifications based on the time of day and a preferred notification method is well known and expected. It would have been obvious to one of ordinary skill in the art to modify the system of Baxter-Horon to incorporate preferred notifications based on the time of day in order to tailor the system based on who gets notified when there is an alarm.

13. Referring to claim 18, Lane-Horon discloses wireless notification to a designated user (i.e. pager) (Lane: col. 3, lines 45-50).

14. Referring to claim 19, Lane-Horon discloses initiating an action at a geographically distinct site than where the monitoring device was obtained (i.e. appropriate action can be made at a remote CPU site) (Lane: col. 3, lines 55-60).

15. Referring to claims 20-22, Lane-Horon discloses activating a physical device in a monitored premises (i.e. generate alarm for a smoke detector or if the stove is left on too long) (Lane: col. 10, lines 50-60).



16. Referring to claim 23, Lane discloses a telephone with a microphone and speaker assembly (Lane: col. 4, lines 10-20).

17. Referring to claim 24, Lane discloses evaluating other device rules before generating output (i.e. subroutines are evaluated) (Fig. 19).

18. Referring to claim 25, Lane-Horon discloses the invention substantially as described in the claims above. Lane-Horon does not specifically state including a network access monitor which identifies users logged into a computer network. "Official Notice" is taken that both the concept and advantages of providing for a network access monitor to identify users on a network is well known and expected in the art. It would have been obvious to one of ordinary skill to include a network access monitor to the system of Lane-Horon in order to provide a log as to what users are accessing which particular elements in a computer.

19. Referring to claim 26, Lane-Horon discloses a movement sensor, and detects when a particular person has moved through a restricted area (i.e. motion detectors) (Horon: col. 1, lines 1-25).

20. Referring to claims 27-30, Lane-Horon discloses particular elements with monitoring users in a particular area (Lane: col. 10, lines 40-50).

21. Referring to claim 31, Baxter discloses obtaining the device data through a distributed communications network (i.e. wireless) (Figure 2).

22. Claims 38-50, and 52-58 are rejected for similar reasons as stated above.

### ***Response to Arguments***

23. Applicant's arguments with respect to the claims above have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey C. Pwu can be reached on (571)272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph E. Avellino/  
Primary Examiner, Art Unit 2446

/Jeffrey Pwu/  
Supervisory Patent Examiner, Art Unit 2446